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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,866	09/12/2000	Scott J. Jones	GOLDENH.001C1	2541

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EXAMINER

KAPADIA, MILAN S

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 05/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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# Office Action Summary

Application No.

09/659,866

Applicant(s)

JONES ET AL.

Examiner

Milan S Kapadia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other:

**DETAILED ACTION**

**Notice to Applicant**

1. This communication is in response to the application filed 12 September 2000.

Claims 2-19 are pending.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 2 and 9 are rejected under 35 U.S.C. 102(a) as being anticipated by Aeromed ("www.aeromed-software.com," February 5, 1998).

(A) As per claims 2 and 9, Aeromed teaches a computerized system for managing airborne transportation of a patient comprising:

a first module comprising instructions for dispatching an aircraft carrying an airborne emergency transport crew to a patient site (Aeromed; pages 4 and 5);

a second module comprising instructions for generating a calculated flight path to the patient site (Aeromed; pages 4 and 5); and

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a third module comprising instructions for tracking the actual flight path of the vehicle and determine whether the actual flight path varies from the calculated flight path and for tracking flight coordinates of the aircraft (Aeromed; pages 4 and 5).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-5, 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nathanson et al. (5,122,959) in view of Schriewer (Schriewer, Scott, "Airborne Ambulance Saves Precious Time," Tulsa World, May 22, 1996, pages 1-2).

(B) As per claim 2, Nathanson teaches a computerized system for managing transportation of a patient comprising:

a first module comprising instructions for dispatching a vehicle carrying an emergency transport crew to a patient site (Nathanson; abstract, col. 4, lines 21-27, col. 16, line 42-col. 18, line 5, and col. 21, lines 6-31);

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a second module comprising instructions for generating a calculated path to the patient site (Nathanson; col. 18, lines 8-28); and

a third module comprising instructions for tracking the actual path of the vehicle and determine whether the actual path varies from the calculated path (Nathanson; col. 19, line 43-col. 20, line 2).

Nathanson fails to expressly teach the vehicle being an aircraft carrying an emergency transport crew to a patient site. However, this feature is old and well known in the art, as evidenced by Schriewer's teachings with regards to a computerized system for managing airborne transportation for an aircraft carrying airborne emergency transport crew to a patient site (Schriewer; page 1, paragraph 1). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the system taught by Nathanson with Schriewer's teaching with regards to these limitations, with the motivation of providing transportation to patients in emergency situations (Schriewer; page 1, paragraph 1).

(C) As per claims 3-5, Nathanson fails to expressly teach wherein the vehicle is a helicopter, the patient site is an accident site, and the patient site is a hospital. However, this feature is old and well known in the art, as evidenced by Schriewer's teachings with regards to wherein the vehicle is a helicopter, the patient site is an accident site, and the patient site is a hospital (Schriewer; page 1, paragraph 1). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the system taught by Nathanson

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with Schriewer's teaching with regards to these limitations, with the motivation of providing transportation to patients in emergency situations (Schriewer; page 1, paragraph 1).

(D) Claim 10 repeats the features of claim 2 and is therefore rejected for the same reasons given above in the rejection of claim 2 and incorporated herein.

(E) Method claim 15 repeats the subject matter of system claim 1, as a series of steps rather than a set of apparatus elements. As the underlying structure of claim 1 has been shown to be fully disclosed by the teachings of Nathanson and Schriewer in the above rejection of claim 1, it is readily apparent that the system disclosed by Nathanson and Schriewer include the steps to perform these functions. As such, these limitations are rejected for the same reasons given above for system claim 1, and incorporated herein.

5. Claims 6-7, 11-12, and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nathanson et al. (5,122,959) and Schriewer (Schriewer, Scott, "Airborne Ambulance Saves Precious Time," Tulsa World, May 22, 1996, pages 1-2) as applied to claim 5 above and further in view of Hudson (Hudson, Terese, "Attorneys Fear Patient Transfer Claims in Malpractice Cases," Hospitals, April 5, 1991, volume 65, issue 7, pages 44-48).

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(A) As per claims 6-7, the combined system of Nathanson and Schriewer collectively fail to expressly teach wherein the first module comprises instructions for determining whether transportation of the patient from the patient site to another hospital is in compliance with interfacility transportation guidelines, wherein the guidelines are the Consolidated Reconciliation Act or the Omnibus Budget Reconciliation Act. However, this feature is old and well known in the art, as evidenced by Hudson's teachings with regards to determining whether transportation of the patient from the patient site to another hospital is in compliance with interfacility transportation guidelines, wherein the guidelines are the Consolidated Reconciliation Act or the Omnibus Budget Reconciliation Act (Hudson; abstract). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the collective system taught by Nathanson and Schriewer with Hudson's teaching with regards to these limitations, with the motivation of avoiding malpractice suits (Hudson; abstract).

(B) Claim 11-12 repeat the features of claims 6-7 and are therefore rejected for the same reasons given above in the rejection of claims 6-7 and incorporated herein.

(C) Method claims 16-17 repeat the subject matter of system claims 6-7, as a series of steps rather than a set of apparatus elements. As the underlying structure of claims 6-7 has been shown to be fully disclosed by the teachings of Nathanson, Schriewer, and Hudson in the above rejection of claims 6-7, it is readily apparent that the system

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disclosed by Nathanson, Schriewer, and Hudson include the steps to perform these functions. As such, these limitations are rejected for the same reasons given above for system claims 6-7, and incorporated herein.

6. Claims 8, 13, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nathanson et al. (5,122,959) and Schriewer (Schriewer, Scott, "Airborne Ambulance Saves Precious Time," Tulsa World, May 22, 1996, pages 1-2) as applied to claim 2 above and further in view of Matsumoto et al. (5,974,355).

(A) As per claim 8, the combined system of Nathanson and Schriewer collectively fail to expressly teach wherein the first module comprises instructions for storing crew work schedules for the emergency transport crew. However, this feature is old and well known in the art, as evidenced by Matsumoto's teachings with regards to storing crew work schedules for the emergency transport crew (Matsumoto; abstract and col. 12, lines 31-50). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the collective system taught by Nathanson and Schriewer with Matsumoto's teaching with regards to these limitations, with the motivation of facilitating an effective crew flight scheduling pattern (Matsumoto; abstract).

(B) Claim 13 repeats the features of claim 8 and is therefore rejected for the same reasons given above in the rejection of claim 8 and incorporated herein.



(C) Method claim 18 repeats the subject matter of system claim 8, as a series of steps rather than a set of apparatus elements. As the underlying structure of claim 8 has been shown to be fully disclosed by the teachings of Nathanson, Schriewer, and Matsumoto in the above rejection of claim 8, it is readily apparent that the system disclosed by Nathanson, Schriewer, and Matsumoto include the steps to perform these functions. As such, these limitations are rejected for the same reasons given above for system claim 8, and incorporated herein.

7. Claims 9, 14, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nathanson et al. (5,122,959) and Schriewer (Schriewer, Scott, "Airborne Ambulance Saves Precious Time," Tulsa World, May 22, 1996, pages 1-2) as applied to claim 2 above and further in view of Yee et al. (6,044,323).

(A) As per claim 9, the combined system of Nathanson and Schriewer collectively fail to expressly teach wherein the third module comprises instructions for tracking the flight coordinates of the aircraft. However, this feature is old and well known in the art, as evidenced by Yee's teachings with regards to instructions for tracking the flight coordinates of the aircraft (Yee; abstract). It is respectfully submitted, that it would have been obvious, to one having ordinary skill in the art at the time the invention was made, to expand the collective system taught by Nathanson and Schriewer with Yee's

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teaching with regards to these limitations, with the motivation of determining positional information of the aircraft (Yee; abstract).

(B) Claim 14 repeats the features of claim 9 and is therefore rejected for the same reasons given above in the rejection of claim 9 and incorporated herein.

(C) Method claim 19 repeats the subject matter of system claim 9, as a series of steps rather than a set of apparatus elements. As the underlying structure of claim 9 has been shown to be fully disclosed by the teachings of Nathanson, Schriewer, and Yee in the above rejection of claim 9, it is readily apparent that the system disclosed by Nathanson, Schriewer, and Yee include the steps to perform these functions. As such, these limitations are rejected for the same reasons given above for system claim 9, and incorporated herein.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches a navigation system that aids medical flights (Segroves, Graham, "Navigation systems aids medical flights Bad weather landings are now possible at hospitals," News Sentinel, August 7, 1994, pages D7-8); a helicopter emergency transport operation (Spencer, Thomas, "Contracting for helicopter emergency transport services," Healthcare Financial Management, August 1993, pages 67-72); an emergency-reporting system for rescue operations (5,874,897);

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and a method and system for intelligent support and information presentation to aircraft crew and air traffic controllers on in-flight emergency situations (5,940,013).


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Milan S Kapadia whose telephone number is 703-305-3887. The examiner can normally be reached on Monday through Thursday, 8:30 A.M. to 6:00 P.M. In addition the examiner can be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

  
mk

April 30, 2003

  
DINH X. NGUYEN  
PRIMARY EXAMINER